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RECEIVED

March 2, 2010


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AT 8:30
WILLIAM T. WALSH
CLERKMag. Judge Tonianne J. Bongiovanni
J Clarkson S. Fisher Building
402 East State Street
Trenton, NJ 08608SENT BY FAX ONLY (609-989-0435)
(total of 4 pages)Re: Molnar v. Merck & Co., Inc.
3:08-cv-00008-GEB-JJH

Dear Judge Bongiovanni:

Pursuant to Your Honor's request, I am enclosing documentation from the Southern District of New York remanding the above-captioned case to this Court. As Your Honor indicated, the transfer does not yet appear on the docket, and I trust that the enclosed materials will be sufficient to re-activate this case as soon as possible.

Respectfully,


NORMAN PERLBERGERNP:net
Enc.

cc w/enc. Wilfred P. Coronato, Esquire (FAX 201-536-0799)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
IN RE: FOSAMAX PRODUCTS LIABILITY :
LITIGATION :
-----X

MDL No. 1789

This Document Relates to :

1:08-cv-1802 (JFK)

Phyllis Molnar and William Molnar :
v. Merck & Co., Inc., :
1:08-cv-1802 (JFK) :
-----X

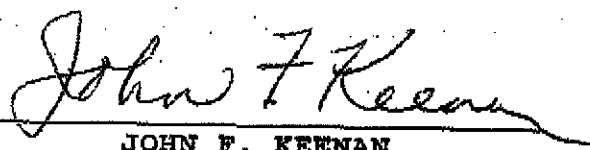
ORDER

JOHN F. KEENAN, United States District Judge:

The Court adheres to its Order dated November 20, 2009,
which remanded the instant matter to the United States District
Court for the District of New Jersey. The Court hereby lifts
the stay of the remand Order.

SO ORDERED.

Dated: New York, New York
December 1, 2009


JOHN F. KEENAN
United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----x
IN RE: FOSAMAX PRODUCTS LIABILITY :
LITIGATION :
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v. Merck & Co., Inc., :
1:08-cv-1802 (JFK) :
-----xORDER

JOHN F. KEENAN, United States District Judge:

Plaintiffs in the instant matter initially filed suit in the United States District Court for the District of New Jersey (Civil Action No. 08-cv-8). Unlike the other cases in this multi-district litigation ("MDL") involving osteonecrosis of the jaw ("ONJ"), plaintiff Phyllis Molnar alleges that her use of Fosamax caused her to sustain fractures of the hip and femur. On January 18, 2008, the Judicial Panel on Multidistrict Litigation (the "JPML") transferred the matter to this Court pursuant to Rule 7.4 of the Rules of Procedure of the JPML.

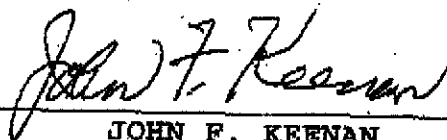
On September 10, 2009, Plaintiffs moved the Court for alternative relief, claiming that Lead Counsel for the Plaintiffs' Steering Committee (the "PSC") has refused to make available documentation obtained through discovery or created for trial preparation that would be pertinent to their claim. Plaintiffs move for remand to the District of New Jersey, or in

the alternative, a court order directing the PSC to provide Plaintiffs' counsel the documentation obtained through discovery that would be relevant to their claim. Neither the PSC nor Merck have responded to the motion. Plaintiffs' counsel represents, however, that (1) the PSC does not oppose remand, but (2) Merck refused consent to remand, denying that the multi-district litigation is limited to ONJ.

Discovery of specific causation is different in every case, but in this instance, evidence of general causation relating to fractures of the femur and hip would be substantially different than the material already obtained through discovery relating to ONJ. The instant matter and the other actions in this multi-district litigation involve different questions of fact in a sufficient number of areas as to justify remand. In an exercise of discretion, the Court remands the instant matter to the District of New Jersey for further proceedings.

SO ORDERED.

Dated: New York, New York
November 20, 2009


JOHN F. KEENAN
United States District Judge